



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Reimbursement Agreement #RA-95-01 for Public Improvements for Century Meadows One, Unit No. 1

MEETING DATE: January 18, 1995

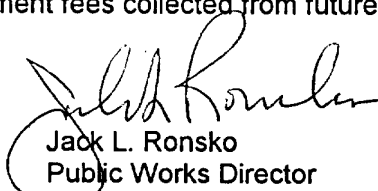
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider Reimbursement Agreement #RA-95-01 for public improvements in Meadowbrook Drive constructed with the Century Meadows One, Unit No. 1 subdivision.

BACKGROUND INFORMATION: The developer of Century Meadows One, Unit No. 1, Lewis Homes of California, has requested a Reimbursement Agreement in conformance with Chapter 16.40 of the Lodi Municipal Code, for public improvements constructed in Meadowbrook Drive in conjunction with the development of its subdivision. The improvements benefit adjacent properties on the west side of Meadowbrook Drive. The adjacent property owner has been notified. The developer has paid the appropriate application fee and will also provide fees to cover the cost of recording the Agreement. A copy of the Agreement, including the vicinity map, is attached.

Meadowbrook Drive is located south of Century Boulevard and is bounded by Century Meadows One, Unit No. 1 on the east and Century Meadows Two, Unit No. 1 and an undeveloped parcel (APN 058-210-021) on the west, as shown in the attached Agreement. The initial per acre reimbursement cost is also shown in the Agreement. The improvements consist of water, sanitary sewer and storm drain lines, and street paving on the west half of Meadowbrook Drive south of the southerly boundary of Century Meadows Two, Unit No. 1.

FUNDING: Applicant fees and reimbursement fees collected from future development.


Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachment

cc: Associate Civil Engineer - Development Services
Lewis Homes of California
Baumbach - Piazza
Delmar and Doris Batch

APPROVED: 

THOMAS A. PETERSON
City Manager



recycled paper

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

**REIMBURSEMENT
for
PUBLIC IMPROVEMENTS**

AGREEMENT # RA-95-01

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and LEWIS HOMES OF CALIFORNIA, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of Century Meadows One, Unit No. 1 and has entered into an Improvement Agreement with the City dated May 11, 1994 to construct public improvements needed to serve the development, and

WHEREAS, the Applicant has constructed water mains, sanitary sewer mains, storm drains and street improvements that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant has filed a request for reimbursement with the Public Works Director and the applicant's engineer, Baumbach & Piazza, has filed the required cost estimate and identified the area of benefit in conformance with Chapter 16.40 of the Lodi Municipal Code for those improvements which benefit other property or would be required of those properties upon development, and

WHEREAS, the property owners of those properties shown in Exhibit A (APN 058-210-021) have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for administrative and engineering design costs as shown in attached Exhibit B.
2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 1996 by the following formula:

$$(\text{ENR Jan. 1 of current year}) \div (\text{Prior year ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$$

The initial ENR index for this agreement is 5438.87. The initial reimbursable amounts are listed below.

Water Main Extension	\$ 849.67/acre
Sanitary Sewer Main Extension	\$ 616.56/acre
Storm Drain Extension	\$ 693.59/acre
Street Improvements for Meadowbrook Drive	\$1,037.88/acre

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns, within thirty (30) days of its collection thereof for a period of fifteen (15) years. Any charges collected beyond fifteen years shall be retained by the City.
4. The Applicant has paid the City \$500.00 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the reimbursable construction costs, excluding engineering, administrative and other costs, with a minimum charge of \$500.00, and is included in the reimbursement amount.
5. Upon each collection of reimbursement charges, an administrative charge shall be deducted and retained by the City for administering the reimbursement provisions of this agreement. This charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current charge is \$60.00.
6. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
7. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Jack L. Ronsko
Public Works Director
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Correspondence and payments to Applicant shall be addressed as follows:

Lewis Homes of California
Attn: Regional Manager
P. O. Box 276125
Sacramento CA 95827-0125

With copies to:
Lewis Homes Management
Attn: General Counsel
P. O. Box 670
Upland, CA 91785

8. This agreement is entered into pursuant to the provisions of Title 16 of the Lodi Municipal Code and the provisions of that section shall be deemed a part of this agreement.
9. In the event of any action or proceeding brought by either party against the other under this Agreement, the prevailing party shall be entitled to recover all costs and expenses, including the actual and reasonable attorneys' fees incurred for the prosecution, defense, consultation or advise in such action or proceeding.
10. Time is of the essence for each provision of this Agreement of which time is a factor.

IN WITNESS WHEREOF, the Applicant and the City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

APPLICANT(S)

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
Thomas A. Peterson, City Manager

Date

ATTEST:

Jennifer M. Perrin, City Clerk

Date

APPROVED AS TO FORM:

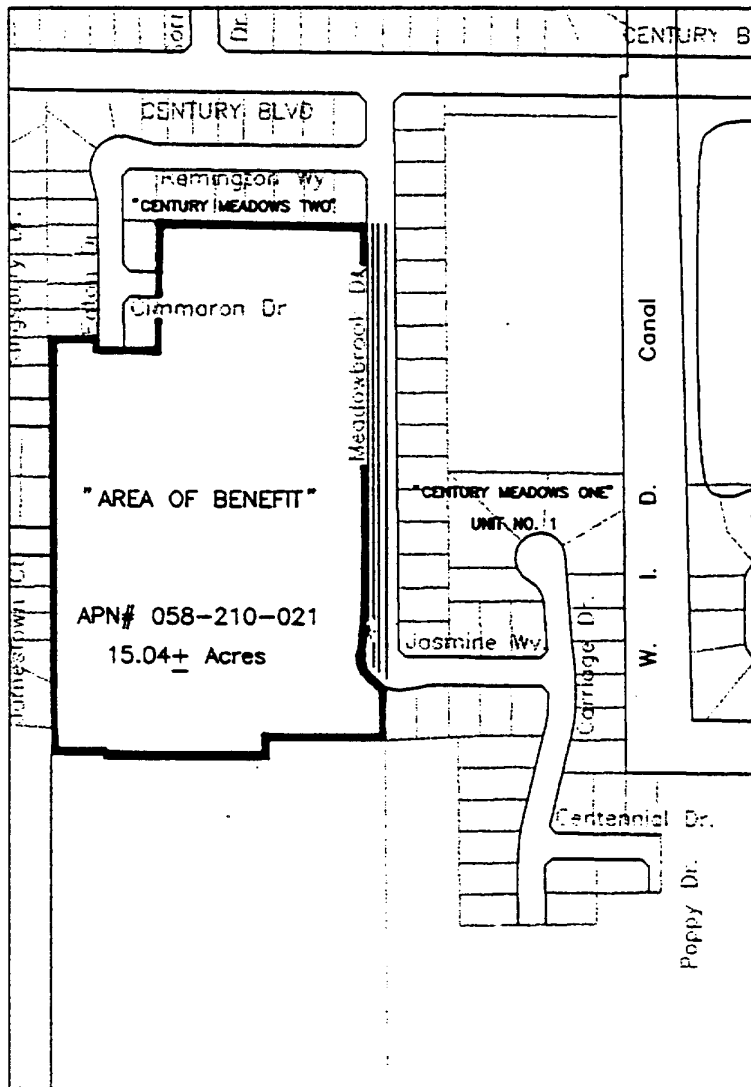
Bob McNatt, City Attorney



CITY OF LODI

PUBLIC WORKS DEPARTMENT

CENTURY MEADOWS ONE,
UNIT NO. 1
REIMBURSEMENT #RA 95-01



Reimbursement covers improvements
shown on approved Drawing Nos.
92D060 and 92D062.

INITIAL REIMBURSABLE AMOUNTS (1995)

Extensions:

Watermain	\$ 849.67 Per Acre
Sanitary Sewer	\$ 616.56 Per Acre
Storm Drain	\$ 693.59 Per Acre
Street Impvts.	\$1037.88 Per Acre

REIMBURSEMENT #RA 95-01

Exhibit B

City of Lodi
Publics Works Department

Cost Estimate for
Reimbursement Agreement

Development: Century Meadows One, Unit No. 1
Developer: Lewis Homes of California
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for Meadowbrook Drive

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Percent Reimbursable</u>	<u>Total</u>
<u>Street System</u>						
West Half of Meadowbrook Drive						
1.	Roadway Excavation	770	CY	\$2.20	100	\$1,694.00
2.	Compact Original Ground (0.67')	12,022	SF	0.10	100	1,202.20
3.	Aggregate Base, Class II (0.30')	12,022	SF	0.30	100	3,606.60
4.	Asphalt Concrete, Type B (0.20')	10,856	SF	0.46	100	4,993.76
Subtotal						\$11,496.56
10% Engineering & Administration						\$1,149.66
Subtotal						\$12,646.22
Less City paid credits						\$0.00
Total Street System						\$12,646.22
<u>Storm Drain System</u>						
1.	24" Storm Drain Pipe (Cost of 24" minus 15" pipe) ¹	374	LF	\$17.10	100	\$6,395.40
2.	18" Storm Drain Pipe (future street stub)	18	LF	47.00	100	846.00
3.	12" Storm Drain Pipe (future street stub)	61	LF	18.05	100	1,101.05
Subtotal						\$8,342.45
10% Engineering & Administration						\$834.25
Subtotal						\$9,176.70
Less City paid credits						\$0.00
Total Storm Drain System						\$9,176.70
<u>Sanitary Sewer System</u>						
1.	8" Sanitary Sewer Pipe (Based on area benefited)	863	LF	\$14.25	58	\$7,132.70
2.	8" Sanitary Sewer Pipe (future street stub)	8	LF	14.25	100	114.00
3.	6" Sanitary Sewer Pipe (future street stub)	8	LF	12.25	100	98.00
4.	Partial Sewer Services	8	EA	255.00	100	2,040.00
Subtotal						\$9,384.70
10% Engineering & Administration						\$938.47
Subtotal						\$10,323.17
Less City paid credits						\$0.00
Total Sanitary Sewer System						\$10,323.17

Exhibit B

Water System

1. 10" Water Pipe (based on 8" cost) ²	879	LF	\$15.30	50	\$6,724.35
2. 10" Valve (Based on 8" cost) ²	3	EA	\$525.00	50	787.50
3. 8" Water Pipe	26	LF	15.30	100	397.80
4. 8" Valve	1	EA	525.00	100	525.00
5. 6" Water Pipe	26	LF	12.25	100	318.50
6. 6" Valve	1	EA	425.00	100	425.00
7. Partial 1" Water Service	8	EA	280.00	100	2,240.00
8. Fire Hydrant Assembly	2	EA	1,625.00	50	1,625.00
9. Blowoff	2	EA	500.00	100	1,000.00
Subtotal					\$14,043.15
10% Engineering & Administration					\$1,404.32
Subtotal					\$15,447.47
Less City paid credits					\$0.00
Total Water System					\$15,447.47
Subtotal Reimbursable Costs					\$47,593.56
City Fee for preparation of agreement (1% of system subtotals, \$500 minimum)					\$500.00
Total Reimbursable Cost					\$48,093.56

	Cost (incl. prorated City fee)	Quantity	Fee
<u>Reimbursement for Street System per Acre :</u>	\$12,779.08 / 15.04		\$849.67 per Acre
<u>Reimbursement for Storm Drain System per Acre :</u>	\$9,273.11 / 15.04		\$616.56 per Acre
<u>Reimbursement for Sanitary Sewer System per Acre :</u>	\$10,431.62 / 15.04		\$693.59 per Acre
<u>Reimbursement for Water System per Acre :</u>	\$15,609.76 / 15.04		\$1,037.88 per Acre
Check Total:	\$48,093.56		

Notes:

1. The shared cost is based on the cost difference between the 24" storm drain pipe installed and the 15" storm drain pipe which would have been required to serve only the Century Meadows One, Unit No. 1 subdivision.
2. A 10" water main and valves were installed due to a design decision by the developers of Century Meadows One, Unit No. 1 not to loop the water main. An 8" water main would have been sufficient if the system had been looped. Therefore, the shared cost is based on the cost of 8" water pipe and valves.



DECLARATION OF MAILING

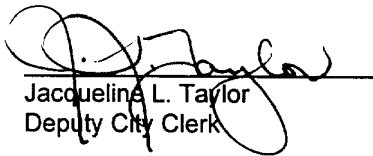
On December 22, 1994 in the City of Lodi, San Joaquin County, California, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 22, 1994, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

OF LODI

L, 221 W. PINE ST.
J. BOX 3006
FORNIA 95241-1910

LEWIS HOMES OF CALIFORNIA
PO BOX 276125
SACRAMENTO CA 95827

BAUMBACH - PIAZZA
CIVIL ENGINEERS
323 W ELM ST
LODI CA 95240

MR & MRS DELMAR D BATCH
1767 E HARNEY LN
LODI CA 95240



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: January 18, 1995

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

January 18, 1995

NOTICE IS HEREBY GIVEN that on Wednesday, January 18, 1995 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Reimbursement Agreement #RA-95-01 for public improvements in Meadowbrook Drive constructed with the Century Meadows One, Unit No. 1 subdivision

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jennifer M. Perrin
City Clerk

Dated: December 21, 1994

Approved as to form:


Bobby W. McNatt
City Attorney

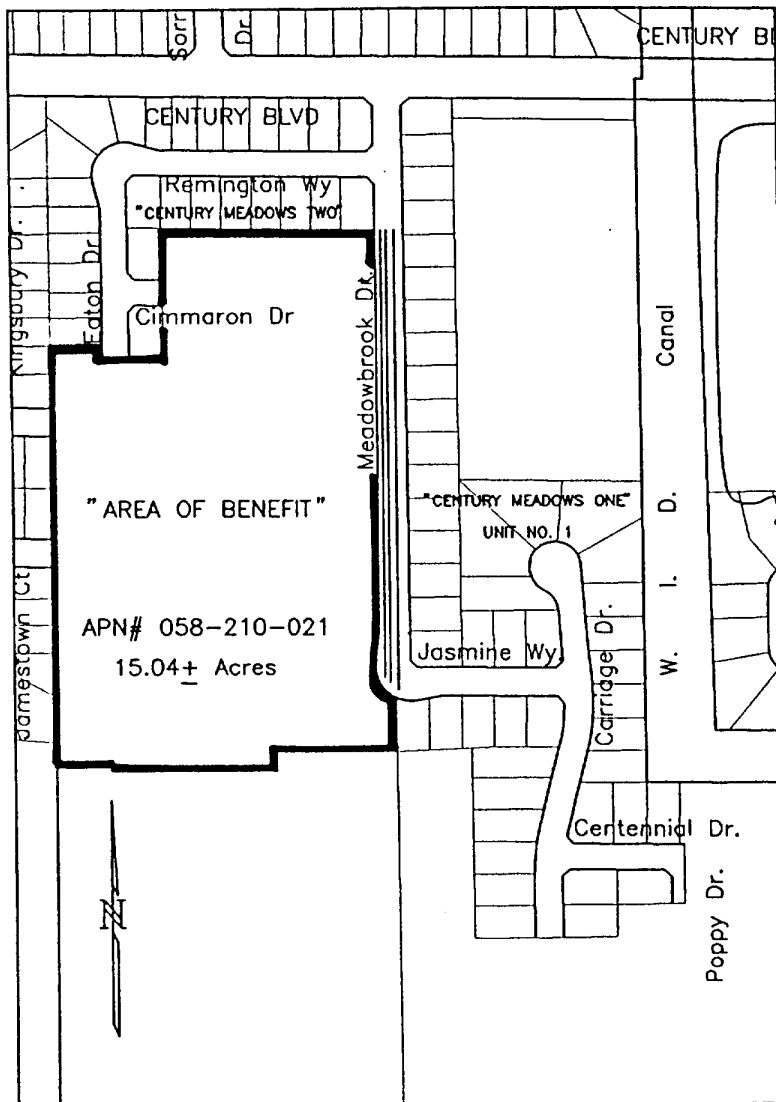


CITY OF LODI

PUBLIC WORKS DEPARTMENT

CENTURY MEADOWS ONE UNIT NO. 1

REIMBURSEMENT #RA 95-01



N.T.S.

REIMBURSEMENT:

Extensions:	
Watermain	\$ 849.67
Sanitary Sewer	\$ 616.56
Storm Drain	\$ 693.59
Street Impvts.	\$1037.88

CITY COUNCIL

STEPHEN J. MANN, Mayor
DAVID P. WARNER
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

January 11, 1995

Meeting with City Council

SUBJECT: Public Hearing to Consider Reimbursement Agreement #RA-95-01 for
Public Improvements for Century Meadows One, Unit No. 1

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, January 18, 1995, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/im

Enclosure

cc: City Clerk ✓

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

LEWIS HOMES OF CALIFORNIA
PO BOX 276125
SACRAMENTO CA 95827

LODI, CALIFORNIA 95241-1910

BAUMBACH - PIAZZA
CIVIL ENGINEERS
323 W ELM ST
LODI CA 95240

MR & MRS DELMAR D BATCH
1767 E HARNEY LN
LODI CA 95240

CITY COUNCIL

STEPHEN J. MANN, Mayor
DAVID P. WARNER
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

February 23, 1995

Developers Insurance Company
c/o Lewis Homes Management Corp.
Attention Sheri
P. O. Box 670
Upland, CA 91786

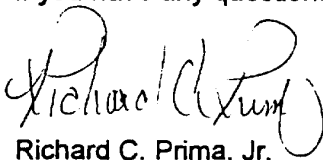
SUBJECT: Century Meadows One, Unit No. 1

The City Council of the City of Lodi, at its meeting on January 18, 1995, accepted the public improvements in the subject project. A copy of the resolution is enclosed. The acceptance was conditioned upon receipt of security in the amount of \$3,500 to guarantee corrective work which needs to be deferred until warmer weather. That security has been received.

This letter is your authorization to exonerate Faithful Performance Bond No. 156384S. The bond covering labor and materials must remain in effect until April 18, 1995 in conformance with the requirements of State law. You will receive no further correspondence regarding the release of the bond for labor and materials unless a claim is filed.

As soon as the corrective work is completed, the \$3,500 bond guaranteeing this work will be released.

If you have any questions, please contact Sharon Blaufus or me at (209) 333-6706.



Richard C. Prima, Jr.
City Engineer

RCP/SB/sb

Enclosure

cc: Lewis Homes of California/Sacramento
City Clerk